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PATENT  
IOS9601CIPD

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: D'Ausilio, R. et al.

Examiner: Swiatek, Robert P.

Serial No.: 10/779,869

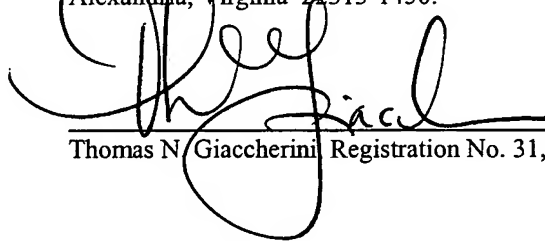
Group Art Unit: 3643

Title: **In Orbit Space Transportation  
& Recovery System**

Filed: 17 February 2004

**CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8**

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to Commissioner of Patents, M.S. Non-Fee Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Thomas N. Giaccherini Registration No. 31,075

Date

18 Jan  
2006.

**FIRST AMENDMENT**

Commissioner of Patents  
M.S. Non-Fee Amendment  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Applicants submit this First Amendment in response to the First Office Action mailed on 19 October 2005. The First Office Action provided a shortened statutory period for response which will expire tomorrow, on 19 January 2006.

### **APPLICATION HISTORY**

The Applicants filed the Present Application, which included Original Claims 1-85, on 17 February 2004. On 22 March 2005, the Examiner issued a Requirement for Restriction.

The Applicants submitted a Second, Third and Fourth Disclosure Statements on 14 July 2005. An Election on Claims was then submitted on 21 July 2005, which contained an election to prosecute Group I, Claims 1 and 3. Claims 2 and 4-85 have been withdrawn from consideration. The Applicants also submitted a First Preliminary Amendment on 21 July 2005.

The Patent Office mailed a First Office Action on 19 October 2005. This First Amendment is being submitted in response to the First Office Action, which contains a rejection under Section 102(b) as being anticipated by the article entitled "Nuclear Propulsion of Spacecraft" by Martin (Document 2A).

Only Claims 1 and 3 are currently pending in the Present Application.

## **INDEX OF AMENDMENT SECTIONS**

### **Amendments to the Specification**

Amendments to the Specification are presented on Pages 4-8 of this First Amendment.

### **Amendments to the Claims**

Amendments to the Claims are presented on Pages 9-10 of this First Amendment.

**Remarks** are presented on Pages 11-16 of this First Amendment.